05-0525-PR5

May 25, 2005

APPROVE ENTERING INTO A SOFTWARE LICENSE AND MAINTENANCE AGREEMENT WITH AB INITIO SOFTWARE CORPORATION

THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:

Approve entering into a Software License and Maintenance Agreement with Ab Initio Software Corporation ("Ab Initio") for software products to be used by Office of Technology Services at a cost not to exceed $179,360.00. Ab Initio was selected on a competitive basis pursuant to Board Rule 5-4.1. A written license agreement for such software products is currently being negotiated. Ab Initio will provide upgrades and "bug fixes" free of charge for one (1) year. Thereafter, the Board must pay an annual maintenance fee for such upgrades and bug fixes. No payment shall be made to Ab Initio prior to the execution of the written license agreement. The authority granted herein shall automatically rescind in the event a written agreement is not executed within 90 days of the date of this Board Report. Information pertinent to this agreement is stated below.

SOFTWARE LICENSOR:
Ab Initio Software Corporation
201 Spring Street
Lexington, MA 02421
Contact person: Ketih J. Cotcher
Telephone No.: (781) 301-2000
Vendor No.: 14284

USER:
Office of Technology Services
125 South Clark, 3rd Floor
Chicago, Illinois 60603
Contact: Robert W. Runcie, Chief Information Officer
Michael Patterson, Data Management
Telephone No.: (773) 553-1300

TERM: The term of this software license agreement shall commence on June 1, 2005 and shall end May 31, 2006. The Board shall have one (1) option to renew this agreement for a period of one (1) year.

USE OF SOFTWARE: Ab Initio will provide licenses to the Board to use the Co>Operating System, the base product that enables applications to run distributed and parallel with mainframe-class robustness. The Co>Operating system includes the following:

- Co>Operating Transformation Application
- Co>Operating Components Library
- Co>Operating Sort Application
- Graphical Development Environment (GDE)

OUTCOMES: The Ab Initio software will further automate the Board's student information system applications programs, thus making the Board more efficient and effective in managing student information systems. The Student Information System (SIS) software will enhance the Board's ability to effectively educate students.

LICENSE FEE: Ab Initio shall be paid a lump sum for the software license and maintenance agreement, not to exceed $179,360.00.

MAINTENANCE FEE: The maintenance fee for the term of this agreement is included in the licensing fee stated above. Thereafter, future upgrades and bug fixes will be subject to a negotiated annual maintenance fee which, for the year immediately following the term of this agreement shall be of $27,360.00

AUTHORIZATION: Authorize the General Counsel to include other relevant terms and conditions in the written agreement. Authorize the President and Secretary to execute the agreement. Authorize the Chief Information Officer to execute all ancillary documents required to administer or effectuate this agreement.

AFFIRMATIVE ACTION: Pursuant to Section 3.7 of the Revised Remedial Plan for Minority and Women Business Enterprise Contract Participation (M/WBE Plan) this contract is exempt from review because the contract is a unique transaction.

LSC REVIEW: Local School Council approval is not applicable to this report.

FINANCIAL: Charge to Office of Technology Services: $179,360.00
Budget Classification: 0220-410-000-9573-5311 Capital Funds

GENERAL CONDITIONS:

Inspector General – Each party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Chicago Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.

Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one year period following expiration or other termination of their terms of office.

Indebtedness – The Board's Indebtedness Policy adopted July 26, 1995 (95-0726-EX3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Ethics – The Board's Ethics Code adopted September 27, 1995 (95-0927-RU3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved for Consideration:

Heather A. Obora
Heather A. Obora
Chief Purchasing Officer

Approved:

Arne Duncan
Chief Executive Officer

Within Appropriation:

John Maiorca
John Maiorca
Chief Financial Officer

Approved as to Legal Form:

Patrick J. Rocks
General Counsel